

PROB 12B  
(7/93)

Report Date: January 27, 2011

**United States District Court**

**FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON**

for the

**JAN 27 2011**

**Eastern District of Washington**

**JAMES R. LARSEN, CLERK  
DEPUTY  
RICHLAND, WASHINGTON**

**Request for Modifying the Conditions or Term of Supervision  
with Consent of the Offender  
(Probation Form 49, Waiver of Hearing is Attached)**

Name of Offender: Joseph Charles Richard

Case Number: 2:11CR00020-001

Name of Sentencing Judicial Officer: The Honorable Andrew W. Bogue, U.S. District Judge

Name of Supervising Judicial Officer: The Honorable Edward F. Shea, U.S. District Judge

Date of Original Sentence: 11/14/2005

Type of Supervision: Supervised Release

Original Offense: Conspiracy to Distribute a  
controlled Substance, 21 U.S.C. §§ 846 and 841  
(a)(1) and 841 (b)(1)(C)

Date Supervision Commenced: 11/29/2010

Original Sentence: Prison - 70 Months; TSR - 36  
Months

Date Supervision Expires: 11/28/2013

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**PETITIONING THE COURT**

To modify the conditions of supervision as follows:

- 15 You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.
- 16 You shall abstain from alcohol and shall submit to testing (including urinalysis and Breathalyzer), as directed by the supervising officer, but no more than six tests per month, in order to confirm continued abstinence from this substance.

**CAUSE**

Pursuant to Ninth Circuit case law, U.S. v Stephens, the above modification with the offenders consent is being requested.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 01/27/2011

s/Richard Law

Richard Law  
U.S. Probation Officer

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Prob 12B

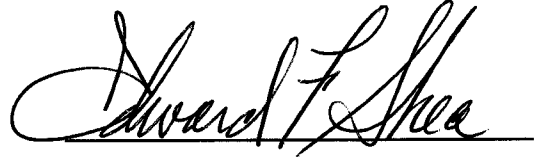
**Re: Richard, Joseph Charles**

**January 27, 2011**

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THE COURT ORDERS

- ☐ No Action
- ☐ The Extension of Supervision as Noted Above
- ☒ The Modification of Conditions as Noted Above
- ☐ Other



Signature of Judicial Officer



Date

# United States District Court

District of South Dakota, Western Division

## Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision

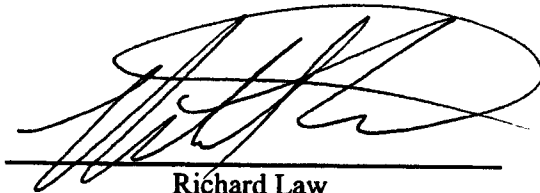
I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

To modify the conditions of supervision as follows:

- 15 You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.
- 16 You shall abstain from alcohol and shall submit to testing (including urinalysis and Breathalyzer), as directed by the supervising officer, but no more than six tests per month, in order to confirm continued abstinence from this substance.

Witness:



Richard Law  
U.S. Probation Officer

Signed:



Joseph Charles Richard  
Probationer or Supervised Releasee

November 29, 2010

Date